

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
 United States Patent and Trademark
 Office
 Box PCT
 Washington, D.C. 20231
 ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 11 September 2000 (11.09.00)	
International application No. PCT/US99/00800	Applicant's or agent's file reference CM2003F/JH
International filing date (day/month/year) 14 January 1999 (14.01.99)	Priority date (day/month/year)
Applicant SHOWELL, Michael, Stanford et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

04 August 2000 (04.08.00)

☐ in a notice effecting later election filed with the International Bureau on:2. The election ☒ was☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Charlotte ENGER
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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 20 FEB 2001

PCT

Applicant's or agent's file reference CM2003F/JH	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US99/00800	International filing date (day/month/year) 14/01/1999	Priority date (day/month/year) 14/01/1999
International Patent Classification (IPC) or national classification and IPC C11D3/386		
Applicant THE PROCTER & GAMBLE COMPANY et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 6 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 04/08/2000	Date of completion of this report 14.02.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Hillebrecht, D Telephone No. +49 89 2399 8168 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US99/00800

I. Basis of the report

1. This report has been drawn on the basis of *(substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments (Rules 70.16 and 70.17).)*:

Description, pages:

1-52 as originally filed

Claims, No.:

1-10 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US99/00800

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-10
	No:	Claims	
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-10
Industrial applicability (IA)	Yes:	Claims	1-10
	No:	Claims	

2. Citations and explanations see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US99/00800

Reference is made to the following documents:

- D1: WO 98 06807 A1 (THE PROCTER & GAMBLE COMPANY) 19 Feb. 1998
D2: WO 98 39404 A1 (THE PROCTER & GAMBLE COMPANY) 11 Sep. 1998
D3: EP 481 547 A1 (UNILEVER NV) 22 April 1992

V.

1. The subject-matter of claims 1 and 10 appears to be novel in view of the documents cited in the International Search Report. (Article 33(1) and (2)PCT). Present claim 1 defines a multi-section tablet comprising a higher lever of pectate lyase in one of the sections.
2. Tablets comprising pectate lyase are already known from some examples of D1 and D2. However, the tablets disclosed therein are single-layer tablets. D2 shows multi-layer tablets comprising enzymes and further deterative components. Pectate lyase is not mentioned therein.
3. The subject-matter of claims 1 and 10 lacks an inventive step (Article 33(1) and (3) PCT).

The problem to be solved resides in providing detergent compositions in tablet form comprising a pectate lyase showing a time controlled release and thereby providing superior cleaning performance. The reason for deactivation of the pectate lyase in detergent tablets is caused by interaction with other components like oxidising agents.

However, this problem has already been identified by D3 (see D3, page 3, line 55 to page 4, line 29). D3 teaches that incompatible ingredients must be separated in different layers. Enzymes are preferably in an outer layer, while bleaches are present in an inner layer. D3 is not limited to specific enzymes. The skilled worker, trying to prepare enzyme containing detergent tablets comprising an enzyme, which has not been used in tablets before, and being aware of D3, would seriously consider to separate the enzymes from incompatible components. The combination of any of documents D1 and D2 with D3 would thus be obvious for the skilled worker.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US99/00800

4. The subject-matter of dependent claims 2 to 9 is either already known from D1 to D3 or obvious to those skilled in the art.
- VII. Application numbers were not replaced by the corresponding publication numbers. (see the entire specification)

One of the indices "m" of the first formula on page 31 was not replaced by the index "l".

VIII.

1. It is clear from the description on page 3, penultimate paragraph that the following feature is essential to the definition of the invention:

(1) the tablets allow a time controlled release of the pectate lyase, wherein the enzyme is rapidly delivered to the wash water

See also page 6, second and fourth paragraph.

Since independent claim 1 does not contain this feature it does not meet the requirement following from Article 6 PCT taken in combination with Rule 6.3(b) PCT that any independent claim must contain all the technical features essential to the definition of the invention.

2. The vague term "about" when used in combination with ranges, as used in the entire specification renders the scope of the claims unclear when used to interpret the claims. (Article 6 PCT)
3. Terms like "coating of the present invention" as used on page 33, renders the scope of the claims unclear when used to interpret them (Article 6 PCT).
4. The embodiment of the alleged invention described in the examples starting on page 49, line 12 does apparently not fall within the scope of the claims. This inconsistency between the claims and the description leads to doubt concerning the matter for which protection is sought, thereby rendering the claims unclear (Article 6 PCT).

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US99/00800

5. While claim 1 is directed to any type of tablets, dependent claims 6 to 9 refer to detergent tablets. Applicants did not remove this inconsistency within the claims. (Article 6 PCT).
6. The term "higher level" used in claim 1 is vague and unclear and leaves the reader in doubt as to the meaning of the technical feature to which it refers, thereby rendering the definition of the subject-matter of said claim unclear. It is not apparent whether the pectate lyase must be present at a higher amount or at a higher concentration. (Article 6 PCT).

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US 99/00800

A. CLASSIFICATION OF SUBJECT MATTER

IPC6: C11D 3/386, C11D 17/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC6: C11D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	EP 0851025 A2 (UNILEVER N.V.), 1 July 1998 (01.07.98), page 3, line 34 - line 44, abstract --	1-10
A	WO 9806807 A1 (THE PROCTER & GAMBLE COMPANY), 19 February 1998 (19.02.98), claim 12 --	1-10
A	WO 9839404 A1 (THE PROCTER & GAMBLE COMPANY), 11 Sept 1998 (11.09.98), page 13, line 9; page 30, line 7 --	1-10

☒ Further documents are listed in the continuation of Box C.☒ See patent family annex.

* Special categories of cited documents:

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance: the claimed invention cannot be considered novel, or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance: the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search

1 Sept 1999

Date of mailing of the international search report

16.09.99

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Authorized officer

YVONNE SIÖSTEEN/ElS

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US 99/00800

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	EP 0481547 A1 (UNILEVER NV), 22 April 1992 (22.04.92), abstract -- -----	1-10

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.

PCT/US 99/00800

Patent document cited in search report			Publication date	Patent family member(s)		Publication date
EP	0851025	A2	01/07/98	CA	2223609 A	23/06/98
				US	5900395 A	04/05/99

WO	9806807	A1	19/02/98	AU	6769896 A	06/03/98
				EP	0925345 A	30/06/99

WO	9839404	A1	11/09/98	AU	2198297 A	22/09/98

EP	0481547	A1	22/04/92	CA	2053399 A	18/04/92
				US	5133892 A	28/07/92
